

I hereby object to this  
Court, the release of my personal  
information. Do NOT release my personal information  
because I object!

IP : 71.87.249.195

Court Case No: 3:12-cv-00602

Charter Case # 12-4766

ID # ~~602~~ 602-34

UNITED STATES DISTRICT COURT

for the  
Eastern District of Tennessee

FILED

FEB 25 2013

DIMENTIONAL DEAD PRODUCTIONS, LLC. )  
Plaintiff )  
v. )  
DOES 1-43 )  
Defendant )

Clerk, U. S. District Court  
Eastern District of Tennessee  
At Knoxville

Civil Action No. 3:12-CV-602

SUBPOENA TO PRODUCE DOCUMENTS OR INFORMATION IN A CIVIL ACTION

To: Charter Communications, Inc  
12405 Powerscourt Drive  
St. Louis, MO 63131  
Fax# 314-909-0609

☒ **Production:** Per the attached court order, **YOU ARE COMMANDED** to produce the following information, and permit their inspection, copying, or sampling of the information:

The name, address, and phone number of the persons or entities who use the IP addresses identified as:

24.158.174.233	9/7/12 06:39:24 PM	Maryville	Blount	Tennessee
24.151.248.141	9/9/12 05:20:33 AM	Morristown	Hamblen	Tennessee
24.158.133.49	10/5/12 04:55:40 PM	Blountville	Sullivan	Tennessee
24.183.230.205	10/11/12 04:59:23 PM	Sevierville	Sevier	Tennessee
24.159.151.111	10/11/12 11:38:56 PM	Jefferson City	Jefferson	Tennessee
96.38.67.172	10/15/12 03:00:13 AM	Kingsport	Sullivan	Tennessee
24.158.84.169	10/18/12 11:57:20 PM	Johnson City	Washington	Tennessee
71.87.249.195	10/21/12 01:51:38 PM	Cleveland	Bradley	Tennessee
96.38.82.255	10/24/12 02:28:40 AM	Knoxville	Knox	Tennessee
24.158.147.24	10/27/12 08:16:40 AM	Tullahoma	Coffee	Tennessee
24.107.255.108	10/29/12 05:05:01 PM	Dayton	Rhea	Tennessee
24.159.147.95	11/2/12 03:52:36 AM	Morristown	Hamblen	Tennessee
24.159.45.137	11/2/12 02:21:29 AM	Kingsport	Sullivan	Tennessee

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/26/2012



Attorney's Signature

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DIMENTIONAL DEAD PRODUCTIONS, LLC,	)	
	)	
Plaintiff,	)	
	)	No. 3:12-CV-602
	)	(PHILLIPS/GUYTON)
V.	)	
	)	
DOES 1-43,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral order of the District Judge. Now before the Court is Plaintiff's Motion and Memorandum in Support of its Motion for Leave to Take Discovery Prior to Rule 26(f) Conference. For the reasons stated herein, the Plaintiff's motion will be **GRANTED**.

**I. BACKGROUND**

On November 19, 2012, Plaintiff filed the instant suit alleging copyright infringement and contributory copyright infringement. [Doc. 1]. Plaintiff alleged that the Defendants acted in "a collective and interdependent manner via the Internet in unlawful reproduction and distribution" of Plaintiff's copyrighted motion picture, "Night of the Living Dead: Resurrection" by means of interactive "peer-to-peer" file transfer technology called BitTorrent. [Doc. 1 at ¶ 4].

The Plaintiff has identified each Defendant – currently referred to as Does 1-43 – by the internet protocol ("IP") address assigned to the Defendant by his or her internet service provider ("ISP") at the time of the alleged infringing activity. [Doc. 1 at ¶ 25]. Further, Plaintiff has found the ISP for each Defendant, the torrent file copied and distributed by each Defendant, and

15, 2007 WL 5254326, at \*2 (S.D. Ohio May 17, 2007). Courts within the Sixth Circuit require a showing of good cause in order to permit such discovery. See Arista Records, 2007 WL 5254326, at \*2; Best v. Mobile Streams, Inc., 2012 WL 5996222, at \*1 (S.D. Ohio Nov. 30, 2012). “Good cause is often found in cases alleging infringement, unfair competition, or where evidence may be lost or destroyed with time.” Arista Records, 2007 WL 5254326, at \*2-3. Generally, “the plaintiff should be given the opportunity through discovery to identify the unknown defendants, unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds.” Robinson v. Doe, 2008 WL 5069249, at \*2 (S.D. Ohio Nov. 24, 2008) (quoting Gillespie v. Civiletti, 629 F2d. 637, 642 (9th Cir. 1980)).

In this case, the Court finds that the Plaintiff’s request is well-taken. The Court finds that the Plaintiff has identified the Defendants with sufficient specificity through Exhibit 2 to the Complaint, which states: the IP address assigned to each Doe Defendant, the date and time of the alleged illegal download, the hash identifier of the file downloaded, the ISP used, and the city and the county of the IP address. [Doc. 1-2].

In addition, the Plaintiff has adequately described the steps it took to locate and identify the Doe Defendants. The Plaintiff has submitted the Declaration of Darren M. Griffin, a software consultant, who attests that he investigated and collected data relating to the unauthorized distribution of the Plaintiff’s copyrighted materials on BitTorrent-based peer-to-peer networks. [Doc. 4-1 at ¶¶ 21-33].

Further, Plaintiff has pled the elements to state a claim for copyright infringement. [Doc. 1 at ¶¶ 56-70].

Finally, the Plaintiff has demonstrated that the proposed discovery and/or subpoena seeks information likely to lead to identifying information that will allow the Plaintiff to effectuate

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Eastern District of Tennessee  
At Knoxville

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Knoxville, TN. 37902

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